



United States Environmental Protection Agency
Region I - New England
5 Post Office Square - Suite 100
Boston, MA 02109-3912

FLW

Certified Mail - Return Receipt Requested

OCT 2 1 2013

Pamela T. Nolan
Town Manager
Town of Narragansett
25 Fifth Avenue
Narragansett, Rhode Island 02882

Re: Notice of Violation No. 2014-NOV-01

Dear Ms. Nolan:

The purpose of this Notice of Violation ("NOV") is to inform you that personnel of the United States Environmental Protection Agency ("EPA") have identified violations of the Clean Water Act ("CWA") within the Town of Narragansett, Rhode Island (the "Town").

The Town is subject to the Rhode Island Pollutant Discharge Elimination System ("RIPDES") General Permit Number RIR040026 for Storm Water Discharge from Small Municipal Separate Storm Sewer Systems and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s ("MS4 Permit"). Part I.B.3 of the MS4 Permit allows specific listed non-stormwater discharges provided that they are not significant contributors of pollutants to the MS4. Part I.B.4 of the MS4 Permit prohibits all non-stormwater discharges to the MS4 other than those listed in Part I.B.3. Part IV.B.3 of the MS4 Permit requires the permittee to develop and implement a program to detect and eliminate illicit discharges to the MS4. In addition, pursuant to Part II.D of the MS4 Permit, a discharge determined to cause or contribute to, or have a reasonable potential to cause or contribute to, a violation of an applicable water quality standard violates the permit.

Over the past year, as part of an EPA regional effort to investigate the bacterial sources of beach closures, EPA personnel collected surface water quality samples, in accordance with an EPA-approved Quality Assurance Project Plan, from a number of locations along the Scarborough State Beaches. These samples were analyzed and the resulting data, summarized in Attachment 1, demonstrate that the Town is discharging stormwater containing fecal coliform, E. coli, and enterococcus bacteria through its MS4 into Rhode Island Sound. A narrative description of the sampling locations is provided in Attachment 2. The discharges were also analyzed for, and found to contain, selected pharmaceutical compounds. The presence of the specific pharmaceutical compounds in these samples provides evidence that the sources of the bacterial water quality exceedances are of human origin and due to the presence of sanitary sewage. The discharges violate the prohibitions on discharging stormwater mixed with non-stormwater and on discharges that cause or contribute to violations of Rhode Island's water quality standards, in violation of Section 301 of the CWA, 33 U.S.C. § 1311. Although the Town conducted an investigation in 2009 in response to an MS4 audit performed by the Rhode Island Department of Environmental Management ("RI DEM"), the new data warrants additional investigation.

It is the responsibility of the Town to maintain compliance with its MS4 Permit and the CWA. **Within thirty (30) days of the date of receipt of this NOV**, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, please submit to the contact person listed below a Statement describing the following: (1) the suspected source(s) of the human sanitary sewage at the locations listed above; (2) the location of any additional known instances of violations of water quality standards in the Town, whether at stormwater outfalls or inter-municipal stormwater connections into adjacent municipalities; (3) any corrective actions that have been implemented, and, for all violations not yet corrected; (4) a description of the actions that will be taken to correct the violation(s) and a schedule for their implementation.

This NOV may not specify all violations of the CWA or violations of other environmental requirements that may exist in the Town. This NOV does not preclude the EPA or any other agency from commencing any enforcement action regarding any such violations. It is your responsibility to comply with all legal requirements, whether or not the EPA notifies you of any violations or takes enforcement action against you. Nothing in this NOV relieves you of other obligations under applicable federal, state, and local law. Failure to comply with the CWA may result in your liability for administrative, civil, or criminal penalties under Section 309(c), (d), or (g) of the CWA, 33 U.S.C. § 1319(c), (d), or (g), as modified by 40 C.F.R. Part 19. No provision of this NOV and no action or inaction by EPA shall be construed to constitute an assurance by the EPA that actions you take to address the violation(s) specified herein will result in compliance.

Please submit all information and refer any questions regarding this NOV to:

U.S. Environmental Protection Agency, Region 1
5 Post Office Square – Suite 100
Water Technical Unit
Mail Code OES04-3
Boston, MA 02109-3912
Attn: David Turin
617-918-1598

Sincerely,

 acting for

Susan Studlien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region 1

Encls

cc: Angelo Liberti, RI DEM
David Chopy, RI DEM
David Ousterhout, Narragansett Public Works Director
Jeffrey Ceasrine, PE, Narragansett Town Engineer

EPA New England Stormwater Outfall Inspection & Sampling Summary - Scarborough Beach, Narragansett, RI (Attachment 1)

Location				Surfactants Chlorine NH3 (mg/L)														Coordinates		YS Meter			Weather
Date	Town	Site Name	Time	Fecal Coli col/100mL	E. coli (MPN/100 ml)	Enterococcus (MPN/100 ml)	Surfactants	Chlorine	NH3 (mg/L)	Test Strip	Ammonia	Acetaminophen	Codrine	1,3-Dioxolyl xanthine	Caffeine	Cachemazine	Metoprolol	GPS North(°)	GPS West (°)	Temp	Salinity	Conductivity	
9/5/12	Narragansett	SB01	9:55		2,340	85	NA	NA	NA	ND	ND	ND	1.2	ND	4.3	ND	ND	41.38360583	-71.47558654	26.1	21.9	41.3 (mS)	Rain
9/5/12	Narragansett	SB02	10:12		198,830	2,143	NA	NA	NA	ND	1300	270	390	6800	ND	ND	ND	41.38447005	-71.47613076	0.1	22.3	106	Rain
9/5/12	Narragansett	SB03	10:25		81,310	88,673	NA	NA	NA	ND	26	110	87	720	ND	ND	ND	41.38445673	-71.47609701	0.1	20.9	183.8	Rain
9/5/12	Narragansett	SB04	11:20		241,980	8,804	NA	NA	NA	ND	16	27	12	190	ND	ND	ND	41.39324124	-71.47554123	0.0	23.0	72.3	Rain
9/5/12	Narragansett	SB05	11:35		48,840	8,804	NA	NA	NA	ND	320	55	32	630	ND	ND	ND	41.39266701	-71.47005416	0.0	23.0	49.8	Rain
9/5/12	Narragansett	SB06	12:05		141,380	14,138	NA	NA	NA	ND	5.4	12	12	150	ND	ND	ND	41.39377234	-71.46929255	0.0	24.2	25.9	Rain
9/5/12	Narragansett	SB07	12:20		111,880	24,188	NA	NA	NA	ND	21	14	18	210	ND	ND	ND	41.3950918	-71.46730844	0.0	23.9	38.7	Rain
9/5/12	Narragansett	SB08	12:25		141,380	38,788	NA	NA	NA	ND	24	17	20	240	ND	ND	ND	41.39509257	-71.46727455	0.0	23.8	56.6	Rain
10/10/12	Narragansett	SB01	10:00	84	NA	200	NA	NA	NA	ND	0.99	0.53	1.3	0.92	4.43	0.86	0.61	41.38360583	-71.47558654				Rain
10/10/12	Narragansett	SB02	10:10	25,200	NA	39,000	NA	NA	NA	ND	260	96	450	1800	ND	ND	ND	41.38447005	-71.47613076				Rain
10/10/12	Narragansett	SB03	10:15	800	NA	2,400	NA	NA	NA	ND	15	82	49	400	ND	ND	ND	41.38445673	-71.47609701				Rain
10/10/12	Narragansett	SB04	11:30	1,400	NA	2,700	NA	NA	NA	ND	13	12	11	310	ND	ND	ND	41.39324124	-71.47554123				Rain
10/10/12	Narragansett	SB05	11:45	690	NA	8,900	NA	NA	NA	ND	14	10	62	290	ND	2	ND	41.39266701	-71.47005416				Rain
10/10/12	Narragansett	SB09	11:00	1,000	NA	8,000	NA	NA	NA	ND	13	26	94	920	ND	ND	ND	41.391596	-71.47071269				Rain
5/21/13	Narragansett	SB02	8:45	2,300	NA	504	0.30	0.02	2	14	14,000	140	780	4,000	40	10	ND	41.384484	-71.47613632	0.2	13.4	502	Dry
5/21/13	Narragansett	SB09	9:20	30	NA	10	0.20	0.04	0.25	ND	5.4	4.0	20	240	0.39	ND	ND	41.391596	-71.47071269	0.3	13.7	566	Dry
5/21/13	Narragansett	SB05	9:50	90	NA	121	0.10	0.06	0.10	ND	ND	1.1	7.3	14	ND	ND	ND	41.392670	-71.47005603	0.2	12.8	347	Dry
5/21/13	Narragansett	SB06	10:15	350	NA	226	0.25	0.09	0.10	ND	ND	3.8	16	90	ND	ND	ND	41.393762	-71.4692965	0.1	16.1	191	Dry
5/21/13	Narragansett	SB07	10:45	490	NA	195	0.10	0.01	0	ND	ND	0.99	2.4	4.3	ND	ND	ND	41.395082	-71.46730415	0.1	15.3	268.5	Dry
5/21/13	Narragansett	SB08	10:50	260	NA	183	0.10	0.03	0	ND	ND	0.93	2.7	3.7	0.26	ND	ND	41.395095	-71.46727354	0.2	14.7	313.8	Dry

F. coli - color key: Red ≥ 10,000 col/100ml, Orange ≥ 400 col/100ml, Yellow ≥ 50 col/100ml, NC < 50 col/100ml

E. coli - color key: Red ≥ 10,000 col/100ml, Orange ≥ 1280 col/100ml, Yellow ≥ 235 col/100ml, NC < 235 col/100ml

Enterococcus - color key: Red ≥ 1000 col/100ml, Orange ≥ 104 col/100ml, Yellow ≥ 35 col/100ml, NC < 35 col/100ml

NH3 - color key: Red ≥ 6 mg/L, Orange ≥ 0.5 mg/L, Yellow ≥ 0.0 mg/L

Surfactants - color key: Red ≥ 1.0 mg/L, Orange ≥ 0.5 mg/L, Yellow ≥ 0.25 mg/L, NC < 0.25 mg/L *** may give false positive at salinity greater than 1 ppt

PPCP color key: Pink = Concentrations greater than background

Cl2 - color key: Red ≥ 1.0 mg/L, Orange ≥ 0.3 mg/L, Yellow ≥ 0.02 mg/L, NC < 0.02 mg/L

REPORTING LIMITS

E. coli = 4 MPN/100mL

F. coli = 4 CFU/100mL

Enterococcus = 10 MPN/100mL

Surfactants Field = 0.1 mg/L

Ammonia Field = 0.1 mg/L

Scarborough Beach Outfall Narrative Descriptions (Attachment 2)

- SB01 - Grab sample collected off jetty at south end of Scarborough State Beach.
- SB02 - Left outfall located on south end of Scarborough State Beach.
- SB03 - Right outfall located on south end of Scarborough State Beach.
- SB04 - Outfall located along Burnside Avenue.
- SB05 - Outfall located in center of Scarborough State Beach between the Burnside Avenue and Walcott Avenue intersections with Ocean Road.
- SB06 - Outfall located in center of Scarborough State Beach at the Walcott Avenue and Ocean Road intersection.
- SB07 - Outfall located on north end of Scarborough State Beach (left).
- SB08 - Outfall located on north end of Scarborough State Beach (right).
- SB09 - Outfall located in center of Scarborough State Beach at the Burnside Avenue and Ocean Road intersection.

